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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,309	12/19/2003	Sohail Saeed	MAX 100-US	4354
25230	7590	04/14/2006	EXAMINER	
ONOFRIO LAW 107 SHAD ROW PIERMONT, NY 10968			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 04/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/741,309

Applicant(s)

SAEED, SOHAIL

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/18/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the a cross section showing the liner (cl. 4) and the magnet beneath the liner being attached to the interior of the walls, and their engagement, all the attachment means in claim 6, all of the material in claim 7, all of the fastener in claim 8, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to describe the attachment means, and the fasteners. See drawing objection above. Furthermore, it is unclear how to disposed the magnet behind the liner when there are protruding sidewalls. It seems that the magnet must be disposed on the ledge of the wall. However, putting the liner on the ledge (at 42) seems impossible by the disclosure. See drawing objection above.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“said aperture” has no antecedent basis.

4. Claims 1-2, 6-10, 13-16, 21-23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaines (3716091). Gaines teaches a billfold having two symmetrical panels having four side with wall extending from each side (there is a partial wall at portion 26), an attachment means, and at least one fastener 50 as claimed.

Regarding claim 2, it is noted that the use of credit card is an intended use. There is no structural different between the aperture of Gaines and the claimed aperture.

5. Claims 8, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaines in view of Voight et al. (5555671). It would have been obvious to one of ordinary skill in the art to make the case from plastic as taught by Voight (abstract) to provide the desired material for the case.

6. Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaines in view of either Bergh et al. (3426938) or Fioravanti (3243586). It would have been obvious to

one of ordinary skill in the art to provide a liner as taught by Bergh, portion 18, or Fioravanti, portion 22 to protect the contents.

7. Claims 3, 5, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaines in view of Mah (5511390). It would have been obvious to one of ordinary skill in the art to provide a holder as taught by Mah to hold additional contents.

Regarding claim 3, the holder is inherently adjacent the aperture as claimed.

8. Claims 11, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Gaines rejection as set forth in paragraph 6, and further in view of Chen et al. (6796344) or Chang (4823943). Either Chen or Chang teaches that it is known in the art to disposed magnets behind a liner. It would have been obvious to one of ordinary skill in the art to dispose the magnet of Gaines beneath the liner to protect the magnet and/or to enable one to close the container softly.

9. Claims 1, 4, 6-12, 14-15, 17, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Voight. Voight teaches a container having two symmetrical panels having four sides with wall extending from each side, an attachment means 16, and at least one fastener 18-21 as claimed.

Regarding claim 4, note the liners shown in the cross sections of Fig. 2a and 2b. These are soft material as claimed, i.e, softer than the outer exterior of the box (col. 4, ln. 14).

10. Claims 1, 4-8, 14, 15, 17, 18, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mah or Chalmers (6494323), or Rauch, III et al. (4518275). Mah, or Chalmers, or Rauch, each teaches a case having two panels attachment means and fastener as claimed and a holder.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai  
Primary Examiner  
Art Unit 3727

